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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-51* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *01/04/2008*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to communications filed June 09, 2008.

Response to Arguments

2.   Applicant's arguments filed June 09, 2008 have been fully considered but they

are not persuasive. Applicant argued:

        a) Aksu fails to teach or suggest "questions being sent using a premium rate text

service offered by the wireless network operator".

        b) The combination of Aksu and Varhney fails to teach or suggest "a text-base

response".

        Examiner respectfully disagrees with applicant's assertions.

With regards to a) Examiner appreciates the interpretation description given by

Applicant in response. Applicant discloses "questions being sent using a premium rate

text service", however there is no description or language indicative of limiting the

interpretation of this limitation. Therefore, taking into consideration but without drawing

limitation from the specification into the claim, the limitation "questions being sent using

a premium rate text service" can be interpreted as (i.e., the customer 2 pays a **premium**

over the charge rate of the expert 4 for the service. This **premium covers the cost of**

the phone calls and some profit for the **service provider.** The expert 4 also pays a

percentage of his or her charge to the **service provider** for using the platform. A

telecommunications service provider may purchase such a platform from a

telecommunications equipment provider and choose to be the operator of such a

service, (e.g., as an extension of the telecommunications service provider's customer

service center). Alternatively, a third-party operator may also provide the service; see

Aksu, [0042]).

With regards to b) Examiner appreciates the interpretation description given by

Applicant in response. Applicant discloses "a text-base response", however there is no

description or language indicative of limiting the interpretation of this limitation.

Therefore, taking into consideration but without drawing limitation from the specification

into the claim, the limitation "a text-base response" can be interpreted as (i.e., a

customer 2 uses a wireless phone to send a question in the form of a short messaging

service (SMS) message…**The experts 4** who want to **respond to the question send**

an SMS reply to the PPA server 6, which then informs the customer 2 of those experts

4 who responded to the customer's question; see Aksu, [0027]).

Overall, the combination of Aksu and Varshney teaches all of the limitations of

the Applicant's invention. Examiner would like to makes a suggestion for further

clarification of the independent claims. For example, independent claim 1 can be

interpreted as transferring information/questions between users and researchers. There

is nothing in the claim that is distinct from the prior arts.

Status of Claims

3.   Claims 1 to 51 are pending, of which claims 1, 27 and 51 are in independent form. Claims 25-51 are objected to. Claims 1-14, 17-21, 23-40, 43-47 and 49-51 are rejected under 35 U.S.C. 102 (e). Claims 15-16, 22, 41-42 and 48 are rejected under 35 U.S.C. 103 (a).

Claim Objections

4.   Claims 25-51 are objected to because of the following informalities: The numbering of claims 24 are incorrect because there are two claims 24. Please renumbering the second "claim 24" to be "claim 25" and "claim 25" to be "claim 26"..."claim 50" to be "claim 51" etc. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-14, 17-21, 23-40, 43-47 and 49-51 rejected under 35 U.S.C. 102 (e) as being anticipated by Aksu et al. (US 2003/0144895 A1).

7.   **Regarding claim 1**, Aksu teaches "a method processing questions (40) sent

from a mobile telephone (2) over a wireless network controlled by a wireless network

operator (i.e., see FIG. 3A and FIG. 1…a telecommunications service provider may

purchase such a platform from a telecommunications equipment provider and choose to

be the operator of such a service; [0042]).

Aksu teaches receiving a question sent from the mobile telephone over the

wireless network (i.e., a customer 2 uses a wireless phone to send a question in the

form of a short messaging service (SMS); [0027]…At operation 1, the customer 2 uses

a wireless phone and the cellular/PCS network to register with the PPA server 6;

[0049]).

Aksu teaches handling that question by sending it out for review by one or more

human researchers (Expert) to compose an answer (i.e., the PPA server 6 processes

the message from the customer 2 using information stored in a PPA database 8 to

determine what experts 4 may be interested in responding to the question; [0027]).

Aksu teaches sending the answer back to the mobile telephone as text message

(i.e., the experts 4 who want to respond to the question send an SMS reply to the PPA

server 6; [0027]).

Aksu teaches the question is not restricted to any category of question types, is

expressed in natural language and is sent using a premium rate text service offered by

the wireless network operator (i.e., a customer 2 uses a wireless phone to send a

question in the form of a short messaging service (SMS) message…The experts 4 who

want to respond to the question send an SMS reply to the PPA server 6, which then

informs the customer 2 of those experts 4 who responded to the customer's question;

see Aksu, [0027]).

8.   **Regarding claim 2**, Aksu teaches searches a database (8) of previously

generated answers for answers that match the question (i.e., database (8) store all of

the previously answers; [0031]).

Aksu teaches automatically generates a list of potential answers to the question

from the database (i.e., the PPA server 6 performs keyword matching using the expert

advisor profile 10 in the PPA database 8 to determine 44 the experts 4 who might be

knowledgeable in the field posed by the question. Based on a matching criteria, such

as, preferably, the percentage of the keywords matched, the PPA server 6 prepares a

list of likely experts 4 who might be willing to answer the question; [0034]).

Aksu teaches automatically sends the unanswered question, together with the list

of possible answers, out for review by at least one of the human researchers, who then

selects one of the answers in the list or uses the list of possible answers together with

information from the on-line information resources to compose an answer (i.e., the PPA

server 6 strips information that would identify the customer 2 to the expert 4 from the

SMS message (e.g., name and phone number) and, depending upon the capabilities of

the recipient's phone, conventionally adds an "accept" button to the message. Then, the

PPA server 6 forwards 46 the question to the experts 4 determined during keyword

matching, using SMS messaging, exactly as the customer 2 phrased the question. The

experts 4 who read the question and decide to accept the request for advice select the

"accept" button or the reply button of their phones. Selecting the "accept button" sends

an SMS message back to the PPA server 6, informing the PPA server 6 of the expert's

willingness to answer the question. If no experts 4 have responded 48 within a

predetermined amount of time, the PPA server 6 notifies 50 the customer 2 using, for

example, SMS messaging or a voice telephone call, that no experts 4 have responded

to the customer's question. If the PPA server 6 receives 52 more than one response

from the experts 4, the PPA server 6 determines 54 which expert 4 has the highest

number of keyword matches. The PPA server 6 obtains 56 this expert's charge rate

from the expert advisor profile 10 of the PPA database 8; [0034-0036]).

9.   **Regarding claim 3**, Aksu teaches the researcher investigates and writes an

answer using the on-line information resources if none of the answers in the

automatically generated list of possible answers is suitable (i.e., the PPA server sends

an SMS message to the customer, indicating that there is an expert or experts who

want to answer the question and informing the customer of the charge rates. The

customer selects an expert and replies to the message. The PPA server places a call to

the expert and to the customer and then bridges the two parties. Thus, the present

invention provides the ability for a customer to receive help from a self-registered expert

in real-time (i.e., within a matter of minutes rather than hours or days), reducing the

work of the customer by automatically providing the best match of experts; [0020]).

10.	**Regarding claim 4**, Aksu teaches in which the first computer automatically determines the correct answer and automatically sends the answer as a message to the mobile telephone (i.e., the database determine the correct answer and sent as a message to the customer mobile phone [0036]).

11.	**Regarding claim 5**, Aksu teaches the question is sent from a mobile telephone (2) by the user calling a premium voice service and having the question recorded and then sent to the first computer (a customer or expert may place a telephone call to the service provider and register by speaking to a representative or responding to an automated attendant; [0029]).

12.	**Regarding claim 6**, Aksu teaches the question is first translated into text by the researcher before being submitted to the first computer for processing (i.e., the PPA server 6 performs 42 conventional text indexing on the received SMS message to find the keywords to query the PPA database 8; [0033]).

13.	**Regarding claim 7**, Aksu teaches in which the question includes an image and the image is then understood, matched, and translated (i.e., text indexing (image) on the received SMS message to find the keywords to query the PPA database 8. For the sample question above, the keywords might be "iPAQ", "install," and "MS-Word." Examples of text-indexing products that can be used for this operation include Time Matters.RTM; [0033]).

14.   **Regarding claim 8**, Aksu teaches a web based interface is used by the or each

researcher and that interface displays the question and the list of possible answers

selected by the first computer (i.e., as shown in FIG. 1 the Expert using mobile phone

which have an interface displays).

15.   **Regarding claim 9**, Aksu teaches in which the web based interface also displays

a countdown timer (if no experts 4 have responded 48 within a predetermined amount

of time, the PPA server 6 notifies 50 the customer 2 using, for example, SMS

messaging or a voice telephone call, that no experts 4 have responded to the

customer's question; [0035]).

16.   **Regarding claim 10**, Aksu teaches in which the researcher summarizes the

answer succinctly to fit into a maximum of 160 characters (i.e., expert have to answer

within the maximum of character; [0046]).

17.   **Regarding claim 11**, Aksu teaches in which each answer is stored in the

database of previously generated answers at the first computer (i.e., FIG. 2 show

database 8 stored previously generate answers; [0032]).

18.   **Regarding claim 12**, Aksu teaches in which a two tier system of researchers is

used, with frontline researchers attempting to answer all questions initially and passing

hard questions to senior researchers (i.e., FIG. 1 shown plurality of Experts and the

hard questions is forward to senior Experts).

19.   **Regarding claim 13**, Aksu teaches in which frontline researchers have a

maximum predefined time to answer each question and can reject the question earlier if

they know they cannot answer it (i.e., if no experts 4 have responded 48 within a

predetermined amount of time, the PPA server 6 notifies 50 the customer 2 using, for

example, SMS messaging or a voice telephone call, that no experts 4 have responded

to the customer's question; [0035]).

20.   **Regarding claim 14**, Aksu teaches if a frontline researcher fails to answer the

question, it goes to another frontline researcher and, after a predefined number of

unsuccessful attempts by frontline researchers to answer the question, the question

goes on a "Hard Question" list which senior researchers work from (.i.e., FIG. 1 shown

plurality of Experts and the hard questions is forward to senior Experts).

21.   **Regarding claim 17**, Aksu teaches question rate, rate of answering, time taken

to answer by each researcher, hours logged by each researcher (i.e., the experts 4 may

rate themselves by, for example, providing a number from 1 to 10 (i.e., from very

experienced to less experience). Alternatively, the customers 2 may rate the experts 4

by providing feedback to the PPA server 6, or through third-party certification; [0031]).

22.   **Regarding claim 18**, Aksu teaches the researcher is automatically provided with

a list of recent (or all) previous questions and associated answers sent from a given

user when answering a new question from that user (i.e., the PPA server 6 may send a

list of all or a predetermined number of responding experts 4 to the customer 2 and

allow the customer 2 to select an expert 4. The list may be determined, for example,

according to the number of keyword matches or the competency ratings provided by the

experts 4 during registration [0037]).

23.   **Regarding claim 19**, Aksu teaches the researcher is automatically provided with

an indication of the current location of the user (i.e., the customer 2 uses a wireless

phone and the cellular/PCS network to register with the PPA server 6. Data flows

between the customer MS, the customer's base station (BS), and MSC-1, using a home

location register/visitors' location register (HLR/VLR) to identify/verify a subscriber;

[0049]).

24.   **Regarding claim 20**, Aksu teaches the question and answer are sent using SMS

(i.e., a short messaging service (SMS) message [0027]).

25.   **Regarding claim 21**, Aksu teaches the question and answer are sent using EMS

or MMS (i.e., the mobile phone as shown in FIG. 1 can sent and receive EMS or MMS).

26. **Regarding claim 23**, Aksu teaches the premium rate service is either mobile originating (MO) or mobile terminating (MT) (i.e., deliver (mobile-terminated only), submit (mobile-originated only), cancellation (mobile-originated only), delivery acknowledgement (mobile-terminated only), and user acknowledgement (either direction); [0043]).

27. **Regarding claim 24**, Aksu teaches a different question is sent as a premium rate voice message (i.e., a voice engine 22 and a capability server 24 are provided in the preferred embodiment to handle voice messages and wireless phones that are not SMS enabled; [0028]).

28. **Regarding claim 25**, Aksu teaches an answer message sent as the final step in the method of processing questions as defined in claim 1 (i.e., FIG. 4 shown the answer is being sent in bytes; [0046]).

29. **Regarding claim 26**, Aksu teaches a mobile telephone (2) when displaying an answer (FIG. 4) message as defined in claim 24 (i.e., see FIG. 1 and FIG.4).

30. **Regarding claim 27**, is essentially the same as claim 1 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

31.   **Regarding claim 28**, is essentially the same as claim 2 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

32.   **Regarding claim 29**, is essentially the same as claim 3 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

33.   **Regarding claim 30**, is essentially the same as claim 4 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

34.   **Regarding claim 31**, is essentially the same as claim 5 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

35.   **Regarding claim 32**, is essentially the same as claim 6 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

36.   **Regarding claim 33**, is essentially the same as claim 7 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

37.   **Regarding claim 34**, is essentially the same as claim 8 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

38.   **Regarding claim 35**, is essentially the same as claim 9 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

39.   **Regarding claim 36**, is essentially the same as claim 10 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

40.   **Regarding claim 37**, is essentially the same as claim 11 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

41.   **Regarding claim 38**, is essentially the same as claim 12 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

42.   **Regarding claim 39**, is essentially the same as claim 13 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

43.   **Regarding claim 40**, is essentially the same as claim 14 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

44.   **Regarding claim 43**, is essentially the same as claim 17 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

45.   **Regarding claim 44**, is essentially the same as claim 18 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

46.   **Regarding claim 45**, is essentially the same as claim 19 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

47.   **Regarding claim 46**, is essentially the same as claim 20 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

48.   **Regarding claim 47**, is essentially the same as claim 21 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

49.   **Regarding claim 49**, is essentially the same as claim 23 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

50.   **Regarding claim 50**, is essentially the same as claim 24 except that it sets forth the claimed invention as a system rather than a method and rejected for the same reasons as applied hereinabove.

51.   **Regarding claim 51**, most of the limitations of this claim have been met in the

rejection of claim 1 above. Furthermore, Aksu teaches a server that stores previously

generated answers in a database (i.e., see FIG. 2, PPA server).

Aksu teaches a web server to receive the unanswered question and list of

possible answers from the first computer (i.e., see FIG. 2, PPA server).

Aksu teaches one or more researcher's computers, each connected to the web

server and the World Wide Web, that receive the unanswered question and list of

possible answers sent from the first computer, the or each researcher's computer then

displaying the unanswered question and list of possible answers to enable a human

researcher to either select one of the answer in the list or use the list of possible answer

together with information from on-line information resources in the World Wide Web, to

compose an answer (i.e., potential customers and experts register by accessing the

service provider's web site, using a computer or wireless application protocol (WAP)

phone, and filling in a form that completes corresponding profiles 10 and 12.

Alternatively, a customer or expert may place a telephone call to the service provider

and register by speaking to a representative or responding to an automated attendant.

The customers 2 and experts 4 register with the service provider before using the PPA

service. Registrations are needed for contact and billing information. FIG. 2 depicts the

registration process. Potential customers and experts register by accessing the service

provider's web site, using a computer or wireless application protocol (WAP) phone, and

filling in a form that completes corresponding profiles 10 and 12. Alternatively, a

customer or expert may place a telephone call to the service provider and register by

speaking to a representative or responding to an automated attendant; [0028]-[0029]).

Aksu teaches a connection from the or each researcher's computer back to the

mobile network interface hardware, to enable the answer to be sent as a text message

back to the mobile telephone that originated the question (i.e., a customer 2 uses a

wireless phone to send a question in the form of a short messaging service (SMS)

message...The experts 4 who want to respond to the question send an SMS reply to

the PPA server 6, which then informs the customer 2 of those experts 4 who responded

to the customer's question; see Aksu, [0027]

Claim Rejections - 35 USC § 103

52.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

53.   Claims 15-16, 22, 41-42 and 48 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Aksu et al. (US 2003/0144895 A1) in view of Varshney et al. (US

2004/0028021 A1).

54.   **Regarding claim 15**, Aksu teaches all researchers have access to an Instant
Messaging system that allows them to chat to each other over the internet on they
phone; [0027]).

However, Aksu does not explicitly disclose Instant Messaging system separate
from they phone.

Meanwhile, Varshney teaches a system and method for the efficient transmission
of information in a wireless telecommunication system (see Abstract). This is similar to
Aksu invention because of wireless telecommunication (see FIG. 1). Furthermore,
Varshney teaches instant message system that allows the users to chat with each other
over the internet (i.e., not only is the number of ordinary voice calls increasing, but so is
the number of other uses to which mobile stations can be put. Short message service
(SMS) messaging and instant messaging are becoming more popular, faxes and emails
can be sent through mobile stations, and World Wide Web pages can be downloaded;
[0012]).

It would have been obvious to one of ordinary skill in the art at the time of the
invention was made, having the teachings of Aksu and Varshney before him/her, to
modify the method of Aksu with the teaching of Varshney to have a instant message
system. The motivation to combine is apparent in Aksu reference, because the experts
can communicate with each other using instant message to answer questions from the
user (see Aksu [0002]). This is a tremendously advantageous to Aksu because the
instant message system is the fastest and easiest way to communicate with each other
(see Varshney, [0027]).

55.   **Regarding claim 16**, Aksu teaches all of the limitations of claim 2 above.

However, Aksu does not explicitly disclose spell checking of answers; content level

checking of answers.

Meanwhile, Varshney teaches instant message system that allows the users to

chat with each other over the internet (i.e., not only is the number of ordinary voice calls

increasing, but so is the number of other uses to which mobile stations can be put.

Short message service (SMS) messaging and instant messaging are becoming more

popular, faxes and emails can be sent through mobile stations, and World Wide Web

pages can be downloaded. Furthermore, spell checking is built in with the instant

message system [0012]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made, having the teachings of Aksu and Varshney before him/her, to

modify the method of Aksu with the teaching of Varshney to have a instant message

system. The motivation to combine is apparent in Aksu reference, because the experts

can communicate with each other using instant message to answer questions from the

user (see Aksu [0002]). This is a tremendously advantageous to Aksu because the

instant message system is the fastest and easiest way to communicate with each other

(see Varshney, [0027]).

56.   **Regarding claim 22**, Aksu teaches all of the limitations of claim 1 above.

However, Aksu does not explicitly disclose the question and answer are sent using

GPRS, CDMA, or W-CDMA data connections.

Meanwhile, Varshney teaches question and answer are sent using GPRS,

CDMA, or W-CDMA data connections (i.e., sending the question and answer using

CDMA; [0024]).

It would have been obvious to one of ordinary skill in the art at the time of the

invention was made, having the teachings of Aksu and Varshney before him/her, to

modify the method of Aksu with the teaching of Varshney to include sending message

using CDMA. The motivation to combine is apparent in Aksu reference, because the

CDMA provide better capacity for voice and data communication (see Aksu [0045]).

This is a tremendously advantageous to Aksu because the signals are spread in the

time domain prior to transmission (see Varshney, [0024]).

57.   **Regarding claim 41**, is essentially the same as claim 15 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

58.   **Regarding claim 42**, is essentially the same as claim 16 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

59.   **Regarding claim 48**, is essentially the same as claim 22 except that it sets forth

the claimed invention as a system rather than a method and rejected for the same

reasons as applied hereinabove.

Conclusion

60.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

61.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Truong V. Vo whose telephone number is (571) 272-

1796. The Examiner can normally be reached on Mon.-Thr. 7:30a.m.-5p.m..

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Pierre Vital can be reached on (571) 272-4215. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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